

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:14-CR-017-RJC-DCK**

| | | |
|----------------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | <u>ORDER OF CONTINUING</u> |
| vs. |) | <u>GARNISHMENT</u> |
| |) | |
| |) | |
| TIERRA LOVE, |) | |
| |) | |
| Defendant, |) | |
| and |) | |
| |) | |
| WATER SERVICE CORP., |) | |
| |) | |
| Garnishee. |) | |

THIS MATTER IS BEFORE THE COURT on the answer of Water Service Corp., as the Garnishee. Judgment in the criminal case was filed on December 8, 2014 (Document No. 573). As part of that Judgment, the Defendant was ordered to pay an assessment of \$100.00 and restitution of \$13,578.28 to the victims of the crime. Id.

On September 6, 2022, the Court entered a Writ of Continuing Garnishment (“Writ”) (Document No. 1141) to the Garnishee, Water Service Corp. The Defendant was served with the Writ on September 13, 2022, and the Garnishee was served on September 7, 2022.

On September 16, 2022, the Defendant filed requests for hearing with the Court using forms provided by the United States (Document No. 1144 and 1145). The only basis cited by Defendant in her request for hearing is one of financial hardship. Financial hardship is not a valid basis for a request for hearing in a garnishment matter. Nor is the Government seeking to garnish any property that is subject to exemptions.

The Garnishee filed an Answer on October 6, 2022 (Doc. No. 1148) stating that at the time of the service of the Writ, the Garnishee had in its custody, control or possession property or funds owned by the Defendant, including non-exempt, disposable earnings.

IT IS, THEREFORE, ORDERED that Defendant's request for a hearing (Document No. 1144) is **DENIED** and that an Order of Continuing Garnishment is hereby **ENTERED** in the amount of \$6,966.83 computed through September 1, 2022. The Garnishee shall pay the United States up to the lesser of (1) twenty-five percent of the Defendant's disposable earnings which remain after all deductions required by law have been withheld, or (2) the amount by which the Defendant's disposable earnings for each week exceed 30 times the federal minimum wage. See 15 U.S.C. § 1673(a). The Garnishee shall continue payments until the debt to the Plaintiff is paid in full or until the Garnishee no longer has custody, possession or control of any property belonging to the Defendant, or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW314CR00017-021.

IT IS FURTHER ORDERED that the Garnishee will advise this Court if the Defendant's employment is terminated at any time by the Garnishee or the Defendant.

The Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: January 27, 2023



David C. Keesler
United States Magistrate Judge